



**PLANNING & DEVELOPMENT DEPARTMENT
DECEMBER 18, 2024 - 7:30 AM
AUDITORIUM F AT DARTMOUTH HEALTH
1 MEDICAL CENTER DRIVE, LEBANON, NH**

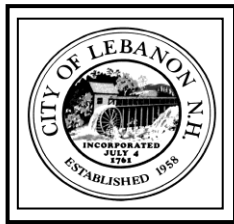
1. Community Conversation

- A. This community conversation will be an interactive forum where you, as a member of the public, can engage with the Planning and Development Staff and ask your questions or voice your concerns about upcoming Zoning Amendments.

The City of Lebanon is committed to fostering community engagement and dialogue. Join us for this community conversation, and let's work together to make our city an even better place to live and thrive.

The order of agenda items is subject to change.

This meeting is open for in-person only.



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

FROM: Planning and Development Department Staff

RE: 2024-2025 Proposed Zoning Amendments

DATE: December 11, 2024

On October 23, 2024, Planning and Development Department staff presented to the City Council a set of proposed Zoning Ordinance and Zoning Map amendments for initial consideration. Following the presentation, the City Council agreed to move the proposed amendments forward for further review pursuant to the amendment process outlined in Section 1000 of the Zoning Ordinance. Section 1000.3.C requires review and comment by the Planning Board regarding any proposed zoning amendment:

All proposed [zoning] amendments shall be forwarded to the Planning Board and Conservation Commission. Planning Board and Conservation Commission shall place the proposed amendment on their agenda for discussion and comment at least thirty (30) days prior to the City Council public hearing. The Planning Board and Conservation Commission shall forward their comments and recommendations to the City Council at least seven (7) days prior to City Council public hearing.

The current set of proposed amendments are attached along with an opinion from the City's legal counsel. The drafts included in this packet include the edits and changes recommended by legal counsel.

Given the complexity of the amendments, the Planning staff intends to schedule several public meetings in December dedicated to public education and engagement. Events will be held at the City Hall, DHMC, and Kilton Library.

Once review by the Planning Board and other land use boards is complete, the amendments will be scheduled for a public hearing before the City Council in January 2025.

The amendments that are proposed this year originate from four sources:

1. Zoning Amendments generated by the Pattern Zones Study.
2. Zoning Map Amendment generated by the Route 120 / Northern Lebanon Neighborhood Plan.
3. Staff proposed technical amendments.
4. A private zoning change petition.

OVERVIEW OF AMENDMENTS

A. Pattern Zones Study

The Pattern Zones Study which utilized InvestNH Planning Grant funding was commissioned to analyze the possibility of architecturally designed, pre-approved, infill housing development within downtown West Lebanon and Lebanon.

The Pattern Zones Study includes three primary areas of focus:

1. Creation of a Pattern Zones Overlay District to promote infill housing development within the study areas of downtown Lebanon and West Lebanon.
2. A Preapproved Architecturally Designed Pattern Book, consisting of 15-25 house designs that can be accessed free of charge to those seeking to build a new house in the study area. The Pattern Book will be contracted for three years with Pattern Zones Co. and will be accessible online. The final stages of its approval are currently under development.
3. A sensitivity analysis, provided at the City Council meeting in September, analyzed housing market trends, zoning codes and the current neighborhood configuration to match housing opportunity with regulatory structure. The Zoning recommendations are based upon the sensitivity analysis.

B. 120 – North Lebanon Study

The 120 North Lebanon Study was initiated in January 2024 and concluded with a presentation to City Council in September 2024. The study included substantial public engagement with the people that live and work in the Northern Lebanon neighborhood. The study makes a series of recommendations within three categories: Conservation, Zoning, and City amenities including transportation improvements. Specific recommendations include the creation of a wildlife crossing and land use-based protections for the crossing, and the re-zoning of the area to maximize development in line with the current and future needs of the neighborhood.

1. Zoning Map changes.
 - a. The changes proposed within the study area are to rezone the areas around Centerra business park to Central Business District (CBD).
 - b. The Altaria developments and surrounding areas are to be rezoned as General Commercial One (GC-1).
 - c. The areas along Etna Road, Labombard Road, Heater Road and Little Heater Road are also to be rezoned GC-1. Proposed Map:

Proposed Zoning Map:



2. The Conservation Wildlife Corridor recommendations are being referred to the Conservation Commission for further work. The necessary details to create the recommended overlay, its buffers and design requirements need to be further refined. The 120 Study - Conservation recommendations will be shared with the Conservation Commission at their October meeting and further discussion will be had at the November meeting. It is expected that a path forward for the recommendations will be discussed at the November meeting. Ultimately the Conservation Commission will work to make a series of recommendations to the City Council on the topic.
3. Small changes also need to be made to Sections 501 and 508 to allow developments that were approved as Planned Unit Development (PUD) or Planned Business Park (PBP) to take advantage of the additional uses that the rezoning will permit, if the owner chooses to do so.

C. Staff Technical Amendments

1. Recovery Houses

- Lebanon currently lacks a use code and definition for a recovery house. Staff is working with Lynn Goodwin – Lebanon Human Services Director, the [New Hampshire Coalition of Recovery Houses](#), and Leigh Hays – Chief Building Official and Health Officer to cooperatively regulate the use. Creating the recovery house definition and use code will help protect the City and its

neighborhoods and allow a much-needed service to be established under appropriate regulation.

- The State Legislature along with the State Fire Marshal, NHCORR and NH Building Officials have established a process to define a recovery house within the State Fire and Building Codes. The same definition from state law is proposed to be used as the definition for the Lebanon Zoning Ordinance. By employing the state definition, we synchronize with the state permitting requirements. The applicable RSA is attached for reference.
- There have been incidents of illicit non-accredited and unpermitted “sober house” or “recovery house” operations adversely impacting neighborhoods and putting people at risk. Cities that do not define a recovery house use have been the subject of litigation, with false claims about discrimination leading to damages. The City of Lebanon currently does not have a definition, nor a use code. Thus, the City is vulnerable to unfounded litigation and disrupted neighborhoods at the hands of unscrupulous operators preying on those in need of recovery and support.

2. Medical Center Two (MC2)

- It is proposed to create a Medical Center 2 (MC2) zoning district and corresponding map amendment including the following properties:
 - Tax Map 90 Lot 59 – 10 Alice Peck Day Drive
 - Tax Map 76 Lot 4 – 23 Alice Peck Day Drive
 - Tax Map 76 Lot 6 - 0 Young Street
 - Tax Map 76 Lot 7 – 0 Hough Street
- The campus of Alice Peck Day Memorial Hospital is currently zoned Residential-Three (R-3). The R-3 zoning district greatly limits the ability for the campus to maintain a thriving modern day medical campus with all the amenities and services needed to serve the Lebanon community.
- Like the Medical Center (MC) zoning district that covers the DHMC neighborhood, it is recommended that the Medical Center 2 (MC2) zoning district be created, and the zoning map changed to rezone the APD campus. Establishing the proposed zoning district will allow for an orderly development of the campus that better serves the needs of the community.
- Currently, a housing project on campus that will serve APD employees is being contemplated. Establishing the MC2 district will streamline APD’s permitting process as they potentially develop much needed housing on campus to serve their employees.

3. Miscellaneous minor amendments:

- **Section 201 (“Yard Requirements”)** – to allow stairs and stairwells in additional to architectural details to project up to 2 ft. into minimum required yards.
- **Section 212 (“Anti-Nuisance Standards”)** – in connection with the development of a proposed nuisance ordinance to be proposed to the City Council at a later date, remove anti-nuisance standards from the Zoning Ordinance which, historically, have been challenging to enforce.

- **Section 213 (“Impact Fees”)** – to clarify procedures for requesting a waiver of impact fees from the Planning Board.
- **Section 215 (“Location of Accessory Use”)** - to (a) require applicants for a shared driveway to produce an easement with maintenance provisions and (b) allow off-site utility improvements by conditional use permit.
- **Section 507 (“Density Bonuses”)** - to allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems.
- **Section 509 (“Cottage Developments”)** - to clarify that building sites of no less than 1,500 sq. ft. shall be provided for both attached and detached cottages and a related amendment to the Section 607.1 minimum off-street parking requirements to require one (1) off-street parking spaces per cottage.
- **Section 604 (“Group Day Care Facilities”) & Appendix A (“Definitions”)** - pursuant to the recently enacted HB 1567, clarify that family day care homes and family group day care homes are allowed as an accessory use to any primary residential use.
- **Section 607.1 (“Minimum Off-Street Parking Requirements”)** - pursuant to the recently enacted HB 1400, permit Planning Board to authorize alternative parking solutions for residential uses.
- **Section 607.8 (“Electric Vehicles”)** - to clarify the minimum percentage of EVSE-installed, EV-ready, and EV-capable spaces for multi-family dwelling and non-residential uses.
- **Section 608 (“Signs”)** - to add a new section permitting freestanding non-static signs (i.e. digital message boards) on certain streets within the GC District, and related changes to the sign illumination standards and the sign enforcement provisions.
- **Section 801 (“Powers and Duties”) & Appendix A (“Definitions”)** - pursuant to the recently enacted HB 1359, clarify who has standing to appeal an administrative decision to the Zoning Board of Adjustment, and who has standing to request a rehearing, and to clarify that the term “abutter” shall have the same meaning as provided by statute (i.e. NH RSA 672:3).

4. Map Amendments

- **Re-zone 31 Romano Cir. complex**
 - It is proposed to rezone 31 Romano Circle, Tax Map 101, Lot 20, to Residential Office (RO), changing from Residential Two (R-2).
 - The 31 Romano Circle complex has been under the jurisdiction of the Lebanon Housing Authority since its inception in the mid 1970’s. The property is currently zoned R-2. The current use as a multi-family housing complex predates its current zoning and is therefore deemed pre-existing legal non-conforming.
 - Over the history of the property several expansions have occurred. The most recent project currently in front of the Planning Board seeks approval for a new accessory office building use. During the summer of 2024, a Variance to allow the proposed office building was narrowly approved by the Zoning Board by a vote of 3-2. Unfortunately, the legal requirements of a Variance greatly challenge the LHA’s ability to nimbly permit even the most basic change.

- With this rezoning, LHA can utilize a Special Exception use code for: Residential - Multi-family dwelling (5 dwelling units or more) per Section 601 with a density calculation of 3,000 square feet per unit. Upon utilization of the Special Exception code possible changes are approved by the Zoning Board under a much simpler criterion. Without the change even minor changes to the plans, like the addition of a maintenance building, require a Variance. The difference between a Special Exception and a Variance is a major improvement in the LHA's ability to continue providing services to Lebanon's affordable housing market.
- **Re-zone Northern Lebanon pursuant to the proposed 120 study area recommendations. (see 120 – North Lebanon Study above)**
- **Private Zoning Change Petition – Map Amendment**
 - A private Zoning Change Petition was received from Dan Nash, AGD, representing Oakes Storage, LLC to rezone 92 Riverside Drive from RL-1 to GC (Tax Map 111 Lot 16).